

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

ERIC CHRISTIAN, SR. as Administrator of
THE ESTATE OF JAMES GEORGE
SEWER, et al.

Plaintiffs,

v.

ALL PERSONS CLAIMING ANY RIGHT,
TITLE OR INTEREST IN ALL PROPERTIES
KNOWN AS NEWFOUND BAY, et al.

Defendants.

ACTION TO QUIET TITLE

Civil No: 80-398

OPINION DENYING MOTION IN
OPPOSITION TO NOTICE OF
FILING

APPEARANCES:

Desmond L. Maynard, Esq.
P.O. Box 8388
St. Thomas, U.S.V.I. 00801

Attorney for the Heirs of Amos Sullivan

Irvin A. Sewer
P.O. Box 131
St. Thomas, U.S.V.I. 00804-0131

Pro se

BROTMAN, DISTRICT JUDGE (Sitting by Designation)

This matter comes before the Court upon Motion In Opposition to Notice of Filing filed by Irvin A. Sewer, *pro se*. In his Motion, Mr. Sewer argues that this Court should not grant the request by the Estate of Amos Sullivan, filed by Desmond L. Maynard, Esq., to have the Clerk of the Court file the proposed deeds because certain provisions of the Virgin Islands Code regarding

property boundary determinations were not followed.¹ However, the Court finds the V.I. Code provisions inapplicable in the instant matter as a Consent Judgment had previously been entered on June 2, 1994.

In his Motion, Mr. Sewer argues that he has not been afforded due process. The Court finds it helpful to refer to the time line of facts as set forth in the Heirs of Amos Sullivan's Response to the pending motion. This time line demonstrates that Mr. Sewer has had the opportunity to be heard in this matter:

- (1) December 1, 1993: Hearing at which the parties, including the Estate of Martin Sewer, represented by Irvin Sewer, stipulated on the record to the entry of judgment.
- (2) June 2, 1994: Consent Judgment entered by the Court in which the Court awarded certain pieces of real property to the parties.
- (3) June 13, 2003: Motion to Vacate the Consent Judgment filed by Irvin Sewer.
- (4) August 14, 2003: Court Order denying Motion to Vacate the Consent Judgment.
- (5) September 11, 2003: Appeal by Irwin Sewer to the Third Circuit Court of Appeals of the District Court's Order denying Motion to Vacate Consent Judgment.
- (6) May 17, 2004: Third Circuit Court of Appeals affirmed District Court's Order denying Motion to Vacate Consent Judgment.

As the facts listed above show, Mr. Sewer has been given an opportunity to participate.

On January 26, 2005, Magistrate Judge Geoffrey Barnard issued his Report and

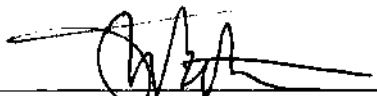
¹In his Motion, Mr. Sewer states that Virgin Islands Code Title 28, Chapter 17, Sections 372, 373, 374, 375 & 376 are applicable in this matter.

Recommendation which essentially effectuated the earlier stipulation by the parties.² Pursuant to the findings in Judge Barnard's Report, the Estate of Amos Sullivan submitted its Notice of Filing for the proposed deeds.³ On June 6, 2006, Mr. Sewer filed this Motion seeking to disallow the execution of the deeds proposed by the Estate of Amos Sullivan.

Mr. Sewer has been an active participant in this matter and has been given ample opportunity to be heard throughout the long history of the case. The resolution of the matter was long ago stipulated to by the parties. As such, this Court sees no justification in prolonging the proceedings any further.

For the foregoing reasons, the Court hereby DENIES Mr. Sewer's Motion In Opposition to Notice of Filing and orders that the subject property be partitioned in accordance with the Report and Recommendation filed by U.S. Magistrate Judge Geoffrey W. Barnard.

Dated: December 27, 2007


HONORABLE STANLEY S. BROTMAN
United States District Judge
(Sitting by Designation)

²This Court, by Order dated June 14, 2005, accepted the Report and Recommendation. Mr. Sewer did not file any appeal to this Order.

³There are three separate docketed Notices of Filing of proposed deeds by the Estate of Amos Sullivan: May 11, 2006, September 5, 2006, and September 12, 2006, with the correct copies of the proposed deeds being filed on September 12, 2006.